

### **REMARKS/ARGUMENTS**

In response to the Final Office Action dated August 28, 2008, Applicants respectfully request reconsideration.

#### **Claim Rejections Under 35 U.S.C. §103**

##### **Claims 1-2, 7, 26 and 28**

Claims 1-2, 7, 26 and 28 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 6,700,351 (Blair) in view of U.S. Pat. No. 6,462,961 (Johnson) in further view of U.S. Pat. No. 4,623,957 (Moore).

Applicants respectfully assert that independent claim 1 and its dependent claims 2, 7 and 26 are patentable over Blair in view of Johnson in further view of Moore. Claim 1 recites an uninterruptible power supply (UPS) for providing AC power to a load in a local area network, the local area network including at least one computing device, the UPS including a housing containing the input, the output, the DC voltage source, the inverter, the transfer switch, the first controller, and the network interface, the housing including a chassis that includes a back wall providing a single aperture configured to receive a single fastener to mount the UPS to a vertical wall and to support the UPS when mounted to the vertical wall. The Office action states on page 4 that Blair and Johnson fail to disclose an "aperture on the back wall of the chassis configured to receive a single fastener to mount the UPS to a vertical wall." The Office Action alleges that Moore teaches this limitation and cited to Moore at column 3, lines 10-15.

Moore describes a battery powered auxiliary lighting fixture. Moore describes that "the back panel 21 is also provided with an inverted keyhole slot 31 for receiving the headed end of a screw or nail as an alternate means of mounting the auxiliary lighting fixture 10 to a wall or other surface." Moore, at Col. 3, ll. 10-13. Applicants assert that one would not be motivated to combine the single aperture back panel of Moore with the mounting bracket of Johnson to wall mount the UPS of Blair at least because one would not expect success and because Johnson teaches away from using a single aperture.

The lighting fixture of Moore is small in relation to the UPS of Blair and the rack units that are wall mounted using the mounting bracket of Johnson. For example, Moore describes that "in FIGS. 3 and 4, the base 20 receives and holds four size AA 1.5 volt dry cells 35-38." As seen in FIGS. 2-4, the entire lighting unit of Moore is shorter than about 3 AA batteries in length, less than two AA batteries thick at the thickest point, and about 2 AA batteries wide. One skilled in the art would not be motivated by the cited references to hang the UPS of Johnson on a vertical wall with the single aperture of Moore. Further, the references would not provide an expectation of success for such a device, as UPS's have typically not been wall-mounted, Johnson's mounting bracket is designed for multiple fasteners, and Moore's aperture is for a very small device, not a UPS.

Further, Johnson teaches away from using a single aperture to hang rack units. Johnson teaches about wall mounting the rack units with the mounting bracket as follows:

When the housing is to be oriented in a wall mount configuration, the first portion of the universal mounting brackets are attached to at least one side of the housing. These brackets are positioned in a spaced relationship to one another such that the distance between an inner-most pair of the wall mounting holes align with wall studs constructed with centers at a first distance. In this embodiment, a second distance between the middle pair of wall mounting holes align with wall studs constructed with centers at a second distance. Finally, the distance between the outer-most pair of wall mounting holes on the adjacent universal mounting brackets align with wall studs constructed with centers at a third distance. For example, the distances for the wall studs could be 12, 14, and 16 inch centers as is common. Johnson, at Col. 3, ll. 39-53 (emphasis added).

Johnson does not describe hanging electronic equipment with fewer than two wall mounts, and the wall mounts are located at studs. In contrast, the UPS recited in claim 1 provides a single aperture to receive a single fastener to mount the UPS to a vertical wall. One would not be motivated to combine the single aperture back panel of Moore's auxiliary lighting unit with the mounting bracket of Johnson at least because Johnson teaches only hanging the electronic equipment with multiple wall mounts located at stud locations. Thus, for at least these

reasons, independent claim 1 is, and claims 2, 7 and 26 that depend from claim 1 are, patentable over Blair in view of Johnson in view of Moore.

Applicants respectfully assert that independent claim 28 is also patentable over Blair in view of Johnson in further view of Moore. Claim 28 recites an uninterruptible power supply (UPS) for providing AC power to a load in a local area network, the local area network including at least one computing device, the UPS including a housing containing the input, the output, the DC voltage source, the inverter, the transfer switch, and the first controller, the housing including a chassis that includes a back wall providing a single aperture configured to receive a single fastener to mount the UPS to a vertical wall and to support the UPS when mounted to the vertical wall. Blair and Johnson fail to disclose such a single aperture. One skilled in the art would not be motivated by the cited references to hang the UPS of Johnson on a vertical wall with the single aperture of Moore. The references would not provide an expectation of success for such a device, as UPS's have typically not been wall-mounted, Johnson's mounting bracket is designed for multiple fasteners and Moore's aperture is for a very small device, not a UPS. Further, one skilled in the art would be dissuaded from combining the single aperture back panel of Moore with the mounting bracket of Johnson because Johnson teaches only hanging electronic equipment with multiple wall mounts where the wall mounts are located at studs in the wall. Thus, for at least these reasons, independent claim 28 is patentable over Blair in view of Johnson in view of Moore.

#### Claims 5-6

Claims 5-6 are rejected under 35 U.S.C. §103(a) as being unpatentable over Blair in view of Johnson in view of Moore in view of U.S. Pat. No. 7,181,630 (Kadoi) in view of U.S. Pat. No. 5,534,734 (Pugh). Neither Kadoi nor Pugh, alone or in combination, make up for the deficiencies noted above in Blair, Johnson, and Moore. Thus, for at least the reasons discussed above with respect to claim 1, claims 5-6 are patentable over Blair in view of Johnson in view of Moore in view of Kadoi in view of Pugh.

#### Claim 8

Claim 8 is rejected under 35 U.S.C. §103(a) as being unpatentable over Blair in view of Johnson further in view of Pugh. Since Claim 1, from which claim 8 indirectly depends, was rejected as being unpatentable over Blair in view of Johnson in view of Moore in view of Pugh. Pugh does not make up for the deficiencies noted above in Blair, Johnson, and Moore. Thus, for at least the reasons discussed above with respect to claim 1, claim 8 is patentable over Blair in view of Johnson in view of Moore in view of Pugh.

Claim 25

Claim 25 is rejected under 35 U.S.C. §103(a) as being unpatentable over Blair in view of Johnson in view of Moore in view of U.S. Pat. No. 5,949,974 (Ewing). Ewing does not make up for the deficiencies noted above in Blair, Johnson and Moore, with respect to claim 1, and thus claim 25, that depends from claim 1, is patentable over Blair in view of Johnson in view of Moore in view of Ewing for at least the reasons discussed above.

Claims 30-31

Claims 30-31 are rejected under 35 U.S.C. §103(a) as being unpatentable over Blair in view of Johnson in view of Moore in view of U.S. Pat. No. 5,486,664 (Lamp). Applicants respectfully assert that independent claim 31 is also patentable over Blair in view of Johnson in view of Moore in view of Lamp. Claim 31 recites an uninterruptible power supply (UPS) for providing AC power to a load in a local area network, the local area network including at least one computing device, the UPS including a housing containing the input, the output, the DC voltage source, the inverter, the transfer switch, and the first controller, the housing including a chassis that includes a back wall providing a single aperture configured to receive a single fastener to mount the UPS to a vertical wall and to support the UPS when mounted to the vertical wall. Blair and Johnson fail to disclose such a single aperture. Lamp is relied on for teaching features in claim 31 other than the single aperture, and Lamp does not teach features related to a single aperture. Blair and Johnson fail to disclose such a single aperture. One skilled in the art would not be motivated by the cited references to hang the UPS of Johnson on a vertical wall with the single aperture of Moore. The references would not provide an expectation of success

for such a device, as UPS's have typically not been wall-mounted, Johnson's mounting bracket is designed for multiple fasteners and Moore's aperture is for a very small device, not a UPS. Further, one skilled in the art would be dissuaded from combining the single aperture back panel of Moore with the mounting bracket of Johnson because Johnson teaches only hanging electronic equipment with multiple wall mounts where the wall mounts are located at studs in the wall. Thus, for at least these reasons, independent claim 31 and dependent claim 30 that depends from claim 31 are patentable over Blair in view of Johnson in view of Moore in view of Lamp.

Claims 13 and 14

Claims 13 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Blair in view of Johnson in view of Moore in view of Lamp in view of Ewing. Claims 13 and 14 depend from independent claim 31. Claims 13 and 14 are allowable at least because claim 31 is allowable.

Claim 15-17

Claim 15 is rejected under 35 U.S.C. §103(a) as being unpatentable over Blair in view of Johnson in view of Moore in view of Lamp and further in view of U.S. Pat. App. Pub. No. 2003/0197723 (Young). Claims 16-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Blair in view of Johnson in view of Moore in view of Lamp in view of Kadoi in view of Pugh. Claims 15-17 depend from independent claim 31. Claims 15-17 are allowable for at least the reasons that independent claim 31 is allowable.

Claim 2 Amendment

Applicants have amended claim 2 to recite the back wall instead of the base. No new matter was added by this amendment.

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Amdt. dated November 25, 2008  
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PATENT

**New Claims 32-40**

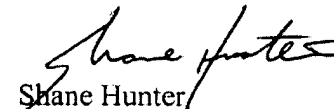
Applicants have added new claims 32-40. No new matter was added in the new claims 32-40. New claims 32-40 are allowable at least because independent claims 1, 28 and 31 from which they depend are allowable.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6100.

Respectfully submitted,

  
Shane Hunter  
Reg. No. 41,858

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 858-350-6100  
Fax: 415-576-0300  
Attachments  
S1H;jll  
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